

Our Docket No: 6570P046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Gregor K. Frey, et al.	)	Examiner: Madamba, Glenford J.
	)	
Application No: 10/748,951	)	Art Unit: 2151
	)	
Filed: December 30, 2003	)	Confirmation No: 7891
	)	
For: System and Method for Monitoring	)	
Program Code	)	
<hr/>		

**PETITION FOR WITHDRAWAL FROM ISSUANCE – ISSUE FEE PAID  
UNDER 37 C.F.R 1.313(c)**

Dear Sir:

**Petition**

Applicant hereby petitions for the withdrawal of this application from issuance under 37 C.F.R. 1.313(c).

**Reasons for Withdrawal Request**

Under 37 C.F.R. 1.313 (c)(2), applicant requests consideration of the Request for Continued Examination (RCE) under 37. C.F.R. 1.114 previously submitted to the Patent Office on November 26, 2008.

**CERTIFICATE OF EFS Web**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Date of Deposit:	<u>February 23, 2009</u>
Name of Person Mailing Correspondence:	<u>Krista Mathieson</u>
<u>/Krista Mathieson/</u>	<u>February 23, 2009</u>
Signature	Date

### **Amendment**

Accompanying this petition is a copy of the RCE and the Information Disclosure Statement (IDS), previously submitted to the Patent Office on November 26, 2008.

### **Explanation of Previously Filed Documents**

Applicant did not receive the Notice of Allowance from the Patent Office which led to the abandonment of this case. In response to the Notice of Abandonment, Applicant filed a Petition for Revival along with the RCE and the IDS on November 26, 2008. At the time, Applicant had requested the RCE be considered.

### **Petition Fees**

Please charge deposit account 02-2666 in the amount of \$130.00 for payment of the Petition for Withdrawal from Issuance as set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a).

Since the Applicant did not receive the Notice of Allowance and is now submitting the Petition for Withdrawal from Issuance, Applicant respectfully requests that the fee for Petition for Revival (\$1620.00), previously submitted on November 26, 2008, be refunded.

Furthermore, since the RCE and IDS were previously filed along with the Petition for Revival, Applicant also requests the refund of the issue fee.

Applicant previously submitted payment of the RCE filing fee on November 26, 2008 and therefore requests our deposit account not be debited for this fee.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 23, 2009

/Aslam A. Jaffery/

Aslam A. Jaffery

Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980